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FM AMEMBASSY COLOMBO
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INFO RUEHRL/AMEMBASSY BERLIN PRIORITY 0228
RUEHKA/AMEMBASSY DHAKA PRIORITY 9914
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 6866
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 4936
RUEHLO/AMEMBASSY LONDON PRIORITY 3554
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0663
RUEHNY/AMEMBASSY OSLO PRIORITY 3643
RUEHKO/AMEMBASSY TOKYO PRIORITY 2723
RUEHCG/AMCONSUL CHENNAI PRIORITY 7435
RUEHBI/AMCONSUL MUMBAI PRIORITY 5156
RUEHGV/USMISSION GENEVA PRIORITY 1825
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000290

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DEPARTMENT FOR SCA/INS
MCC FOR S GROFF, D NASSIRY, E BURKE AND F REID

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [MOPS](#) [CE](#)
SUBJECT: SRI LANKA: PRODUCTIVE KICKOFF FOR IIGEP

REF: A) 06 COLOMBO 2122 B) 06 COLOMBO 1929 C) 06

COLOMBO 1849 (AND PREVIOUS)

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

11. (C) Summary. The eleven members of the International Independent Group of Eminent Persons (IIGEP) met February 12 for the first time with each other and with the Government of Sri Lanka's (GSL) recently established Commission of Inquiry (COI) into human rights abuses, which they will be observing. IIGEP members also met this week with a wide array of human rights activists, think tanks, NGOs, and civil society representatives. Deputy Solicitor General Yasantha Kodagoda opened the first meeting between the COI and IIGEP by describing the IIGEP's mandate quite narrowly and warning the IIGEP not to interfere in the COI's investigations. Nonetheless, the working sessions between the COI and the IIGEP resulted in a memorandum of understanding on the rules of engagement between the two groups. Mission appreciates USAID's support in identifying funding to allow the U.S. observer and expert to participate. End Summary.

12. (C) The eleven members of the IIGEP met for the first time on February 12 to discuss the group's goals and procedures. They also met with the GSL's recently established Commission of Inquiry into human rights abuses, which the IIGEP will be observing. Initial readouts from former Assistant Secretary for Population, Migration, and Refugees Arthur Dewey, the U.S.-nominated IIGEP member, indicate that the members of the IIGEP are a collegial group that work well together. IIGEP members met this week with a wide array of human rights activists, think tanks, NGOs, and civil society representatives. A group of IIGEP assistants with expertise in law, witness protection, public relations, criminal investigations, and forensics will advise and assist the IIGEP members in their observation of the COI's investigations.

13. (C) Deputy Solicitor General Yasantha Kodagoda opened the first meeting between the COI and IIGEP by describing the

IIGEP's mandate quite narrowly. In the Justice Ministry's view, the IIGEP is limited to observing the work of the COI. He warned the IIGEP members against interference in the COI's investigations. Some IIGEP members and assistants felt his approach was confrontational and uncooperative. Nonetheless, the working sessions between the COI and the IIGEP resulted in a memorandum of understanding on the rules of engagement between the two groups. Key points include:

- The COI agreed to provide open access to all documentation relating to the cases.

- The COI confirmed that the IIGEP will have full access to witnesses and witness lists at all times. IIGEP will be able to directly speak to and question witnesses outside of the COI if necessary.

- The COI agreed to provide the IIGEP with prior notification of the commencement of all investigations and inquiries. The COI will provide the IIGEP a full record of all meetings and actions taken by the COI prior to February 12. The COI will report every two weeks to the IIGEP.

- The COI confirmed that the IIGEP Assistants will represent the IIGEP members in their absence.

- Public hearings of the COI will commence the first week of March 2007 and will be held every Monday and Thursday.

- The COI has invited the public through the media to come forward with information relating to the listed cases. The announcements specify that witness protection is available, but no system yet exists for this purpose. For this reason,

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the IIGEP is insisting on independent access to witnesses since they may be more open with foreign representatives.

- The COI will conduct hearings outside Colombo as necessary.

- The COI will investigate three cases at a time. The COI may also take on additional cases as required. There are currently 16 pending cases, including the November 2006 killing of Tamil National Alliance Member of Parliament Nadarajah Raviraj.

- A subcommittee of the COI will deal with all matters relating to witness protection. The COI invited the assistance of the IIGEP in developing witness protection guidelines.

- The COI will have translation and interpretation in Sinhala, Tamil, and English. The IIGEP may use independent translators and interpreters.

14. (C) COMMENT: The GSL has been citing the formation of the COI and the IIGEP as proof of its efforts to address the human rights situation and as an argument against the need for more intrusive interventions from the international community. However, the extent to which the IIGEP will be allowed to function freely is not yet clear. Even if the IIGEP is able to ensure credible investigations that lead to prosecutions of violators, capacity and institution building will be needed to overcome the "culture of impunity" and discourage new violations. Dewey hopes to work with the GSL to improve the existing Human Rights Commission and to build witness protection capacity as initial building blocks toward these goals. Mission appreciates USAID's fast work in identifying funding for the U.S. observer and expert to participate in the IIGEP.

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